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13 Attorneys for Defendants  
14 WELLS FARGO BANK, N.A.; WELLS FARGO &  
COMPANY

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION  
17

18 MONTE RUSSELL and DANIEL  
19 FRIEDMAN, on behalf of themselves  
and others similarly situated,

20 Plaintiff,

21 vs.

22 WELLS FARGO & COMPANY,  
23 Defendants.  
24

CASE NO. C 07-03993 CW

JUDGE CLAUDIA WILKEN  
COURTROOM 2

**ORDER GRANTING AS  
MODIFIED STIPULATION TO  
CONTINUE DECEMBER 8, 2009,  
CASE MANAGEMENT  
CONFERENCE**

25  
26 Plaintiffs Monte Russell and Daniel Friedman (“Plaintiffs”) and Defendants  
27 Wells Fargo Bank, N.A., and Wells Fargo & Company (“Defendants”), through  
28 their respective counsel, hereby stipulate as follows:

WFB\_Russell - stipulation to continue CMC

1 WHEREAS, the parties have a Further Case Management Conference on  
2 December 8, 2009;

3  
4 WHEREAS, the parties participated in an all-day mediation with Jeff Ross  
5 on November 18, 2009, and thereafter continued their discussions and consideration  
6 of a settlement proposal made by the mediator;

7  
8 WHEREAS, the attorneys reached understandings in principle on a certain  
9 aggregate and potential settlement structure late in the day on Friday, December 4,  
10 2009;

11  
12 WHEREAS, the Plaintiffs' attorneys require time to discuss the status of  
13 negotiations with their many individual clients and the parties must reduce the  
14 specific terms of the settlement to writing, all of which will take time as this action  
15 is a complex putative class and collective action; and

16  
17 WHEREAS, presently the parties are in a position to advise the Court of only  
18 the fact of an agreement in principle (including the monetary amount) by the  
19 attorneys which must be presented to Plaintiffs' clients, and the Further Case  
20 Management Conference will be more beneficial to the Court and the parties if it is  
21 continued to a future date, or vacated, to allow the parties to further develop the  
22 specific terms of the settlement and for Plaintiffs' counsel to confer with their  
23 clients.

1 NOW, THEREFORE, through their respective counsel, THE PARTIES  
2 STIPULATE TO THE FOLLOWING:  
3

4 1. The parties propose that the Further Case Management Conference be  
5 continued and rescheduled for Tuesday, January 26, 2009, at 2 p.m.  
6

7 DATED: December 7, 2009 LARSON KING, LLP  
8 T. JOSEPH SNODGRASS  
9 KELLY A. SWANSON

10 By: /s/ T. JOSEPH SNODGRASS  
11 T. JOSEPH SNODGRASS

12 Attorneys for Plaintiffs  
13 MONTE RUSSELL and DANIEL FRIEDMAN

14 DATED: December 7, 2009 HODEL BRIGGS WINTER LLP  
15 GLENN L. BRIGGS  
16 THERESA A. KADING

17 By: /s/ GLENN L. BRIGGS  
18 GLENN L. BRIGGS

19 Attorneys for Defendants  
20 WELLS FARGO BANK, N.A.; WELLS FARGO  
21 & COMPANY  
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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED, except the CMC is continued to 4/6/10 at 2:00 p.m. If the parties reach a settlement, they may file no later than January 26, 2010, an unopposed motion for preliminary approval, without noticing it for hearing, and it will be decided on the papers. If they are unable to settle, they should file no later than January 26, 2010, joint or separate case management statements, proposing dates for the continuation of the case. The Court will then issue a case management order.

12/8

Dated: \_\_\_\_\_, 2009



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CLAUDIA WILKEN  
DISTRICT COURT JUDGE